



**U.S. Immigration
and Customs
Enforcement**

September 9, 2005

FACT SHEET

SECTION 287(G) IMMIGRATION ENFORCEMENT

Section 287(g) originated in the 1996 amendments to the Immigration and Nationality Act passed by Congress. The initiative is designed to effectively multiply the forces of U.S. Immigration and Customs Enforcement (ICE) through enhanced cooperation and communication with state and local law enforcement. Under 287(g), ICE provides state and local law enforcement with the training and subsequent authorization to identify, process, and when appropriate, detain immigration offenders they encounter during their regular, daily law-enforcement activity.

Section 287(g) is a voluntary program. Individual local or state law enforcement agencies or government departments are free to contact ICE if they are interested in participating. Once accepted into the program, a Memorandum of Understanding (MOU) is created to outline the specific responsibilities and procedures appropriate to a specific law enforcement group's needs and capabilities. ICE develops a specialized training course (typically five weeks) for that group focusing on immigration law, civil rights, intercultural relations, and the issues and illegalities surrounding racial profiling. When they successfully complete the course and pass all related examinations, the officers receive an official certification from ICE that allows them special authorities regarding immigration violators called 287(g) authority. After certification, ICE continues to provide supervision and support, helping officers to determine the appropriate response once they determine a suspect to be an immigration violator.

Specific MOUs may authorize slightly different procedures for different law enforcement entities. Generally speaking, under 287(g) authority, when a trained and certified officer encounters, during his regular activities, an individual who is an immigration violator, he or she may question and detain the individual for potential removal from the United States by ICE. Particularly in cases where the individual is deemed to be a flight risk, a repeat immigration offender, or a particular threat to local or national security, 287(g) provides a valuable extra tool to local and state authorities.

Already 287(g) has achieved numerous successes in cooperative law enforcement. There are 62 trained and certified officers in the Florida Department of Law Enforcement and 21 in the Alabama State Police, with 25 more slated to earn certification in '06. Within the next few months, ICE will also be training six L.A. County Jail Custody Assistants to process criminal aliens for removal from the U.S. while they are in jail custody. This training is expected to take four weeks, and as with all 287(g) participants, all actions taken by the L.A. County personnel will be supervised and reviewed by ICE officers.

While enforcing immigration law is primarily a federal responsibility, Section 287(g) provides a mechanism for enlisting the help of state and local law enforcement entities in this effort with minimal impact on their normal daily routines and responsibilities.

U.S. Immigration and Customs Enforcement (ICE) was established in March 2003 as the largest investigative arm of the Department of Homeland Security. ICE is comprised of five integrated divisions that form a 21st century law enforcement agency with broad responsibilities for a number of key homeland security priorities.